TILLAMOOK CITY COUNCIL MEETING
MONDAY, JUNE 7, 2010
TILLAMOOK CITY HALL, 210 LAUREL AVENUE

WORKSHOP:

CALL TO ORDER/FLAG SALUTE:

Mayor Bob McPheeters called the regular City Council meeting to order and led the Pledge of Allegiance at 7:00 p.m.

ROLL CALL:

Those present for roll call:

Mayor Bob McPheeters
Councilor Joe Martin
Councilor Matthew Harris
Councilor Suzanne Weber
Councilor Steven Forster
Councilor John Sandusky
Councilor Willard Berry

Absent: None

Staff Present:

Mark Gervasi, City Manager
John Putman, City Attorney
Arley Sullivan, Public Works Director
Terry Wright, Chief of Police
Bernadette Sorensen, City Recorder

AGENDA:

The posted agenda for the meeting of June 7, 2010 is attached and by this reference is made a part of the record.

MINUTES:

Council minutes were provided for the March 1, 2010 City Council meeting. There were no corrections, additions or deletions to the minutes. **Councilor Sandusky moved the council approve the minutes for the March 1, 2010 meeting. Councilor Forster seconded. The motion carried unanimously by Council seated.**

PROCLAMATIONS: None

PRESENTATIONS/UPDATES/REQUESTS:

1. Winners of the "If I Were Mayor" poster contest were introduced and monetary awards were presented by TLC Credit Union. Students were from Pacific Christian School. The winning posters will be displayed at TLC and the first place poster will be sent to the State competition.
   Winners were:
   - Third Place – Truleigh Kelly - $75
   - Second Place – Bethany Coon - $125
   - First Place – Vincent Fox - $200

   Photos were taken

MONTHLY REPORTS:

1. **CITY MANAGER—**
City Manager Gervasi reviewed all items on his monthly report. A copy of the City Manager's report for May, 2010 is attached and made a part of the record by this reference.

Gervasi advised he has received a response from DEQ regarding the repayment schedule for the Wastewater Treatment Plant Expansion project. He would like to schedule a meeting on Monday, June 14, 2010 at 6:00 p.m. to review what DEQ will be able to do and what they will not be able to do and how to move forward. Date and time for meeting were set as stated above.

2. **CITY PLANNER—**
City Planner David Mattison provided a listing of permits issued, special projects that are currently being worked on, meetings attended, including Planning Commission Hearing and Special Meeting on June 3, 2010. A copy of the City Planner's report for May 2010 is attached and made a part of the record by this reference.

Mayor McPheeters asked about Special Projects – Participation in Oregon Solution Project #4. **City Planner Mattison** advised he pays invoices from the Contractor and sends copies to Department of Land Conservation and they reimburse the City.

3. **PUBLIC WORKS DIRECTOR—**
Public Works Director Arley Sullivan reviewed the Director's Report for May 2010. A copy of this report is attached and made a part of the record by this reference. **Sullivan** commented the annual CCR reports (water quality reports) have been printed and will be going into the mail soon. He also noted the county does not have CAD capabilities to complete the grant application for the installation of sidewalks on 12th Street from Evergreen Drive to the high school. Tomorrow he will be reviewing applications (8) for the engineering of the Third Street project. It is a qualifications based project application.

4. **POLICE CHIEF—**
Police Chief Terry Wright reviewed the Police Department report. A copy of the Monthly Report to the Mayor and City Council for May, 2010 is attached and made a part of the record by this reference.

Wright added there were 75 applications for the police officer position. Of those candidates who are certified or certifiable there were 17. The 17 were invited for initial testing (agility test, a 12th grade equivalency test and oral boards). Six showed up, two did not pass the agility test, two of the four that completed the orals boards will begin background checks.

5. **MUNICIPAL COURT—**
Tim Dolan, Municipal Court Judge advised the Council he attends City Council meeting annually when his contract is up for renewal and provides an update over the past year, answer questions and then discusses the contract for the coming year. A copy of a letter dated June 1, 2010 was sent to the City Council and stated he would give his report in person. A copy of the letter dated June 1, 2010 is attached and made a part of the record by this reference.

Judge Dolan reported the Oregon Legislature has reviewed the Fine Schedule for Municipal Ordinance Violations. There is now a $45 surcharge (minimum charge) on all municipal ordinance violations that is mandated by the State.

He also reported the Municipal Court will soon be able to take credit card payments for fines. This will be done through Bank of Astoria. It may affect the cash flow. He stated most courts are pleased with this process.

Dolan explained the Court Administrator has started working with a new collection agency. The new agency is currently bringing in an average of $4,000 per month. Oregon Department of Revenue could accept an account for past due collections and seize tax returns, however, they have made changes are they are not able to do this if the Municipal Court is also using a collection agency to collect past due fines. The Municipal Court will continue to use the collection agency as they are doing a good job. If there is an account the collection agency is unable to collect on, it can be closed at the collection agency and then put through the Oregon Department of Revenue.

Dolan advised Hispanic Court has been rescheduled from 2:00 p.m. to 10:00 a.m. between traffic court and parking court. This change results in the Council room being available on Wednesday afternoons.

He said an article was put in Headlight Herald to give people a heads-up on some new laws (cell phone law for example). It was received positively.

Dolan reminded the Council the income is off (revenues are down) in comparison to the budgeted amount due to various reasons. Expenditures are also down.

There was some discussion/clarification of the above items.

PUBLIC HEARINGS:

1. CITIZEN HEARINGS – NON AGENDA ITEMS: None

2. COUNCIL CONCERNS – NON AGENDA ITEMS:

Councilor Berry had a question regarding the City's grass and weed situation. **Chief Wright** advised twenty letters were sent out to City residents today and a notice was placed in the paper. If they see high grass over eight inches, a letter is sent out.

Councilor Forster would like to be excused from the June 21, 2010 meeting. **Council** approved.

3. PUBLIC HEARING – OLCC APPLICATION FOR SECOND STREET PUBLIC MARKET—
Mayor McPheeters opened the public hearing for the OLCC Application for Second Street Public Market. **Chief Wright** advised the background preparation was completed and there were no issues. **City Recorder Sorensen** reported the advertisement was completed and no adverse information has been received, either by mail or by phone. **Sorensen** explained the Second Street Public Market has applied for an off-premise sales permit. **Doug Henson** explained the wineries bring in wine for wine sampling. The Second Street Public Market will sell bottles of wine provided by the wineries and receive a commission on the sales. They will also utilize the license for special events. The corporation that provides the service off-site must have a liquor license a license for events. Off-site vs. on-site permit and tasting was explained. The intent is for off-site consumption with the exception of special events or for wine tasting. The Second Street Market would be the primary contact for the wine distributors. At this time the permit will include wine and beer only. It is possible to have hard liquor in the future. **Mayor McPheeters** declared the Public Hearing closed.

4. PUBLIC HEARING – TRT 1% INCREASE—
Mayor McPheeters opened the public hearing for the TRT 1% Increase. **City Recorder Sorensen** advised one letter has been received and copies were provided for City Council members. **Sorensen** read a letter into dated June 7, 2010 to Mark Gervasi, City Manager regarding the TRT Tax from Tony McClaskey, Mar Clair Inn. Exhibit A – Received June 7, 2010. **Andy Neal, Executive Director of Chamber of Commerce** believes the increase is valuable and will enhance the ability to promote the hospitality industry with a tourism promotion. There is a need to bring and keep more people to this community. **City Manager Gervasi** explained the ordinance was established in 1983 where one-half of revenue would go to the general fund and the other half would go to a number of different items such as police protection, public parking, public buildings and repair of pubic buildings, and beautification. The second half may also be used for tourism promotion and advertising. **Mayor McPheeters** stated the City Council would like to use the funds in a positive way that benefits all businesses as well as hotels. **Doug Henson** representing **Tillamook Revitalization Association, Chairman of Public Market Committee, President and Board Member of Tillamook Farmers Market** commented that all of these organizations endorse and support the increase of the 1% to the Chamber of Commerce. **Mayor McPheeters** declared the Public Hearing closed.

5. PUBLIC HEARING – RESOLUTION ESTABLISHING FEE AND FINE SCHEDULE FOR VEHICULAR AND PEDESTRIAN TRAFFIC—
Police Chief Terry Wright discussed the fees and fines resolution. There are fees and fines in the ordinance and we memorialize them into a resolution that tracks with the ordinance and will allow a fee or fine to be changed. It is easier to change the fee or fine with a resolution rather than an ordinance amendment to change one number. This resolution being presented lists all fees and fines that accompany the ordinance. No testimony, written or verbal, was received. **Mayor McPheeters** declared the Public Hearing closed.

PERMITS & LICENSES:

1. OLCC LICENSE APPLICATION – SECOND STREET PUBLIC MARKET—
Councilor Sandusky moved to approve the OLCC License Application for the Second Street Market Place. Councilor Forster seconded. The motion carried unanimously by Council seated.

2. BEAUTIFCATON/PROPERTY IMPROVEMENT NOMINATION: None

COMMITTEE REPORTS:

1. PERSONNEL COMMITTEE—

A Personnel Committee meeting is scheduled for July 13, 2010 at 9:00 a.m.

2. **BEAUTIFICATION AND PARKS COMMITTEE—**
A Beautification and Parks Committee meeting is scheduled for June 15, 2010 at 8:15 a.m.

3. **FINANCE COMMITTEE—**
There was no update provided to the City Council other than a Workshop will be held prior to next City Council meeting.

4. **PUBLIC SAFETY COMMITTEE—**
June 5th attended the process of hiring an officer – elaborate process. Two top candidates were identified. There will be a planning meeting after Chief Wright returns.

5. **PUBLIC WORKS COMMITTEE—**
The Public Works Committee has scheduled their next meeting for June 24, 2010 at 10:00 a.m.

6. **ASSOCIATIONS COMMITTEE—**
The Associations Committee is in the process of setting their next meeting date.

PENDING BUSINESS:

1. **HIGH TIDE ESPRESSO COMMERCIAL LEASE, 2009—**
City Attorney Putman discussed ratification action taken on May 26, 2010 regard the commercial lease. **Councilor Weber moved to ratify the action City Attorney John Putman took on May 26, 2010 regarding the High Tide Espresso Commercial Lease. Councilor Sandusky seconded. The motion carried unanimously by Council seated.**

NEW BUSINESS:

1. **MUNICIPAL COURT JUDGE ANNUAL CONTRACT – TIM DOLAN—**
Councilor Martin moved to ratify the annual contract for Municipal Court Judge to Tim Dolan. Councilor Weber seconded. The motion carried unanimously by Council seated.

2. **CITY MANAGER ASSISTANT ANNUAL CONTRACT – DEBRA REEVES—**
It was clarified this is a contract and Debra Reeves is not a City employee. **Councilor Martin moved to approve the one year contract with Debra Reeves for the term of July 1, 2010 – June 30, 2011. Councilor Sandusky seconded. Motion carried with five ayes and one abstained vote as follows:**

Councilor Joe Martin	**Aye**	**Councilor Steven Forster**	**Aye**
Councilor Matthew Harris	**Aye**	**Councilor John Sandusky**	**Aye**
Councilor Suzanne Weber	**Aye**	**Councilor Willard Berry**	**Abstained**

3. **FLOWER BASKET WATERING CONTRACT – BID AWARD—**
Two bids were received for the Flower Basket Watering Contract. One bid from Country Cupboard Gifts in the amount of $10,000 and the second from Steve Cham and Dan DeSylvia in the amount of $12,475. **Councilor Forster moved to award the Flower Basket Watering Contract to Country Cupboard Gifts as it was the low bid of $10,000 for the time period of June through September 2010. Councilor Weber seconded. The motion carried unanimously by Council Seated.**

LEGISLATIVE:

1. **ORDINANCE: SECOND READING OF AN ORDINANCE CONTROLLING VEHICULAR AND PEDESTRIAN TRAFFIC AND REPEALING ORDINANCE NO. 1201—**
Councilor Forster moved to have a second reading of an ordinance, by title only, Controlling Vehicular and Pedestrian Traffic and Repealing Ordinance No. 1201. Councilor Weber seconded. The motion carried unanimously by Council seated. City Recorder Sorensen read the ordinance by title only.

Councilor Forster moved to adopt the Ordinance Controlling Vehicular and Pedestrian Traffic and Repealing Ordinance No. 1201. Councilor Weber seconded. The ordinance was adopted unanimously by the following roll call vote:

Councilor Joe Martin	**Aye**	**Councilor Steven Forster**	**Aye**
Councilor Matthew Harris	**Aye**	**Councilor John Sandusky**	**Aye**
Councilor Suzanne Weber	**Aye**	**Councilor Willard Berry**	**Aye**

2. **ORDINANCE: FIRST READING OF AN ORDINANCE REPEALING ORDINACE #1221 KNOWN AS THE BUILDING FAÇADE AND SIDEWALK IMPROVEMENT LOAN PROGRAM AND THE ELIMINATION OF FUND #8000 – ECONOMIC DEVELOPMENT FUND ESTABLISHED TO SUPPORT ORDINANCE #1221 AND THE DISPOSITION OF BALANCE OF FUND #8000—**
Councilor Forster moved to have a first reading of an ordinance, by title only, Repealing Ordinance #1221 Known as the Building Façade and Sidewalk Improvement Loan Program and the Elimination Of Fund #8000 – Economic Development Fund Established to Support Ordinance #1221 and the Disposition of Balance of Fund #8000. Councilor Sandusky seconded. The motion carried unanimously by Council seated. City Recorder Sorensen read the ordinance by title only.

3. **ORDINANCE: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 893, SECTIONS 2 AND 14 OF THE TRANSIENT ROOM TAX ORDINANCE FOR THE CITY OF TILLAMOOK; AND TO PROVIDE THE ADMINISTRATIVE PROCEDURES FOR COLLECTION OF SAME—**
Councilor Weber moved for the first reading of an Ordinance Amending Ordinance No. 893, Sections 2 and 14 of the Transient Room Tax Ordinance for the City of Tillamook; and to Provide the Administrative Procedures for Collection of Same by title only. Councilor Berry seconded. Councilor Berry led a discussion and was in favor of the increase. The motion carried unanimously by council seated. City Recorder Sorensen read the Ordinance by Title only.

4. **STAFF REPORT: A RESOLUTION ESTABLISHING A NEW FEE AND FINE SCHEDULE FOR VEHICULAR AND PEDESTRIAN REGULATIONS AND REPEALING RESOLUTION 1433—**
Councilor Sandusky moved to approve the Resolution Establishing a New Fee and Fine Schedule for Vehicular and Pedestrian Regulations and Repealing Resolution 1433. Councilor Forster seconded. Councilor Martin requested clarification of the handout. On the top of the page Bicycle Licensing is $1.00 and at the bottom of the page, Section 27 – Bicycle Licensing is $152. **Chief Wright** clarified the top of the page is the *fee* for Bicycle Licensing and the bottom of the page is the *fine* for Bicycle Licensing. The fines listed are the maximum that can be charged. There is no 'range' for the fines, but a minimum of $45. **Councilor Martin** asked about educating kids to wear bicycle helmets. **Chief Wright** explained they are attempting to raise funds to promote bicycle helmet use and purchase helmets. **Councilor Berry** asked **Chief Wright** about bicycle stop sign violations. **Chief Wright** advised it is a vehicle code violation, not an ordinance violation. It is enforced on a case-by-case basis. **Councilor Sandusky** requested clarification of Fine Schedule Section 19 – Deposit of Coins. **Chief Wright** explained it is when parking meter expired and a nice person would go around putting coins in the expired meters. We mimic the Fine Schedules stated by ORS. **The motion carried unanimously by Council seated.**

5. **RESOLUTION – JUNE DAIRY PARADE AND JUNE CHILDREN'S PARADE ON JUNE 26, 2010—**
Councilor Weber moved to support a Resolution authorizing a waiver of certain requirements to the Tillamook Chamber of Commerce and approval of certain uses during the June Dairy Parade and June Children's Parade. Councilor Berry seconded. The motion carried unanimously by Council seated.

6. **RESOLUTION – SPECIAL CITY ALLOTMENT GRANT APPLICATION—**
Under the provisions of ORS 366.800 and 366.805, $500,000 has been withdrawn from state highway funds and an additional $500,000 has been withdrawn from the Department of Transportation This money has been set up in a separate account to be administered by the Oregon Transportation Commission, and used for cities of 5,000 or fewer persons, for streets not a part of the state highway system that are inadequate for the capacity they serve, or are in a condition detrimental to safety
Councilor Martin moved to adopt a Resolution – Special City Allotment Grant Application. Councilor Berry seconded. Public Works Director Arley Sullivan explained it is an attempt to preserve Stillwell as an alternate truck route. **The motion carried unanimously by Council seated.**

STAFF COMMUNICATIONS/CORRESPONDENCE/DISCUSSION:

1. **LETTER FROM KENNEDY/JENKS CONSULTANTS, ROB PEACOCK, PE TO MARK GERVASI, CITY OF TILLAMOOK, REGARDING SUBPOENA OF RECORDS BY ATTORNEY FOR BIG RIVER CONSTRUCTION FOR THE CITY OF TILLAMOOK WASTEWATER TREATMENT PLANT—**
Clarification was made by **City Manager Gervasi,** stating the subpoena is to Kennedy/Jenks. Rob Peacock was in error when he discussed the cost of the reproduction would total $27,900. The City of Tillamook has nothing to do with the cost of the production of these records as the subpoena is to Kennedy/Jenks. The situation has been clarified via telephone with John Baker, Attorney for Kennedy/Jenks Consultants.

2. **LEAGUE OF OREGON CITIES (LOC) ELECTION RESULTS—**
City Recorder Sorensen thought this information would be of interest to City Council members.

3. **VIP CERTIFICATE FROM SECOND STREET PUBLIC MARKET—**

4. **LETTER FROM OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY CONFIRMING THE CLEAN WATER STATE REVOLVING FUND LOAN PROGRAM RECEIVED CONFIRMATION THAT FINAL PAYMENT ON LOAN #R91564 HAS BEEN RECEIVED—**

RECESS TO EXECUTIVE SESSION: Mayor McPheeters convened into Executive Session: ORS 192.660(2)(h) at 8:45 p.m. and reconvened City Council at 9:14 p.m. for the purpose of legal consideration.

Mayor McPheeters entertained a considerable direction for the City Attorney regarding the present situation, ratifying and discussing. He would like to recommend the client in question utilize the services of the Small Business Administration to try and get everything up and running and start making immediate payments to make up what we have jointly agreed on as the amount owed. **City Attorney Putman** will put together a proposal with very strict terms to the lease agreement that include time and amounts. The current Agreement calls for $825 per month, due on the first. The client is at least five months delinquent. The tenant has proposed to make weekly payments in the amount of roughly $412, taking approximately five months to have a $0 balance. City Council has not directed the City Attorney to file suit, but will continue with the proposal as City would like to work with the tenant to resolve the issue. **City Attorney Putman** will report back to the Council.

MAYOR'S REPORT:

1. The Federal government is moving a research facility for the West Coast from Bellingham, Washington to Newport, Oregon.
2. Oregon Coast has places like Carnahan Park where people can kayak and there are trails.

AUTHORIZATION TO PAY BILLS:

A copy of the Computer Check Proof List of 06/07/2010 is attached and by this reference is made a part of the record. **Councilor Martin moved to pay the bills. Councilor Weber seconded. Motion carried unanimously by Council seated.** Bills were paid in the following total amount:

GENERAL CHECKING ACCOUNT

A/P Batch 06/07/2010	**Check # 29140 - 29250**	**$ 205,747.49**

ADJOURNMENT:

There being no further business Mayor Bob McPheeters adjourned the meeting at 9:25 p.m.

APPROVED:

Suzanne Weber 2-6-2012
Mayor **Date**

ATTEST:

Abigail Donohue 2/6/12
City Recorder **Date**